

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC-JSC

**STIPULATION AND [PROPOSED]
ORDER REGARDING PRIVILEGE
BRIEFING**

By and through their undersigned counsel, the parties hereby stipulate and agree as follows:

1. Whereas Pretrial Order 12 states in relevant part: “The Parties shall . . . simultaneously brief the Court” on their pending privilege dispute regarding materials from Facebook’s App Developer Investigation, “limiting the briefs to 20 pages total, by February 5, 2021.” Dkt. 602 ¶ A. “By that same date, Facebook shall submit the [relevant] documents for *in camera* review.” *Id.*

2. Whereas, Facebook anticipates the parties’ briefing will include substantial amounts of confidential Facebook information, including for example the privilege logs Facebook prepared in connection with this briefing that are subject to sealing under the Protective Order in this action, Dkt. 122, and the parties may not have sufficient time in advance of their filings to coordinate on which aspects of their filings require redactions and/or sealing.

THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:

1. Each party will temporarily file under seal: (i) its brief regarding this privilege dispute, (ii) any documents marked “Confidential” or “Highly Confidential—Attorneys Eyes Only” (including Facebook’s privilege logs) filed as exhibits; and (iii) any documents including or summarizing material from documents marked “Confidential” or “Highly Confidential—Attorneys Eyes Only” (including Facebook’s privilege logs).

2. By February 15, 2021, Facebook will file a motion to permanently seal any portions of the parties’ submissions it determines should remain under seal, or be redacted.

3. In connection with the parties’ briefing, both parties will also be referring to the six privilege logs provided by Facebook in excel format on December 10, 2020. Facebook will be providing these logs in electronic format to the Court, as well as two additional excel files: 1) a consolidated excel file reflecting the 400 entries across the six logs in which the name of no attorney appears, and (2) an excel file consisting of the 20 entries selected by Plaintiffs for *in camera* review. Facebook will copy Plaintiffs’ counsel on this submission to the Court.

Dated: February 5, 2020

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DATED: February 5, 2020

Respectfully submitted,

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: February 5, 2021



United States Magistrate Judge Jacqueline Corley